

**ZB# 06-48**

**Donna Brunell**

**25-4-7**

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 25-4-7

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

DONNA BRUNELL (for Michael Murphy)

AREA

CASE # (06-48)

WHEREAS, Donna Brunell represented the , owner(s) of 112 Glendale Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 4. Request for 24 ft. Rear Yard Setback for existing deck at 112 Glendale Drive in an R-4 Zone (25-4-7)

WHEREAS, a public hearing was held on October 23, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Donna Brunell on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 zone.
  - (b) In constructing the deck, the applicant didl not remove any trees or substantial vegetation.

- (c) In building the deck the applicant did not build on top of nor did it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (e) Since the deck has been constructed, there have been no complaints, either formal or informal, about the deck
- (f) With the deck, the house is similar in size and nature to other houses in the neighborhood.
- (g) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probable fall and sustain serious physical injury if the deck were not in place.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

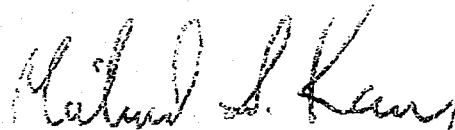
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 24 ft. Rear Yard Setback for existing deck at 112 Glendale Drive in an R-4 Zone (25-4-7) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: October 23, 2006

A handwritten signature in cursive script, appearing to read "Michael S. Kears", is written over a horizontal line.

Chairman

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**COPY**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 6/12/06

APPLICANT: Michael Murphy  
C/o Donna Brunell  
112 Glendale Drive  
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 14x20 rear deck

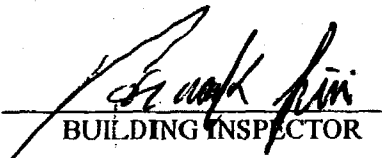
LOCATED AT: 112 Glendale Drive

ZONE: R-4      Sec/Blk/ Lot: 25-4-7

DESCRIPTION OF EXISTING SITE: One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing rear deck does no meet minimum 50ft rear yard set-back.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4      USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:                      50FT

26FT

24FT

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit fee.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

COPY

FOR OFFICE USE ONLY:  
Building Permit #: 6-590

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

MICHAEL MURPHY (Dorcas Brunell) 527-7779

Address

112 Glendale

Phone #

201-407-7337

Mailing Address

Fax #

Name of Architect

Address

Phone

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 25 Block 4 Lot 7

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other *Existing Replacement of old deck*

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories deck

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_ w/14x20 deck

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$50.00

**PAID**  
Ch #1121  
\$50.00  
**ZONING BOARD**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Baheek  
Asst. Inspectors: Frank Liel & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4806 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X Klonna Brunell, Realtor  
(Signature of Applicant)

RE/MAX  
(Address of Applicant)

X MICHAEL MURPHY  
(Owner's Signature)

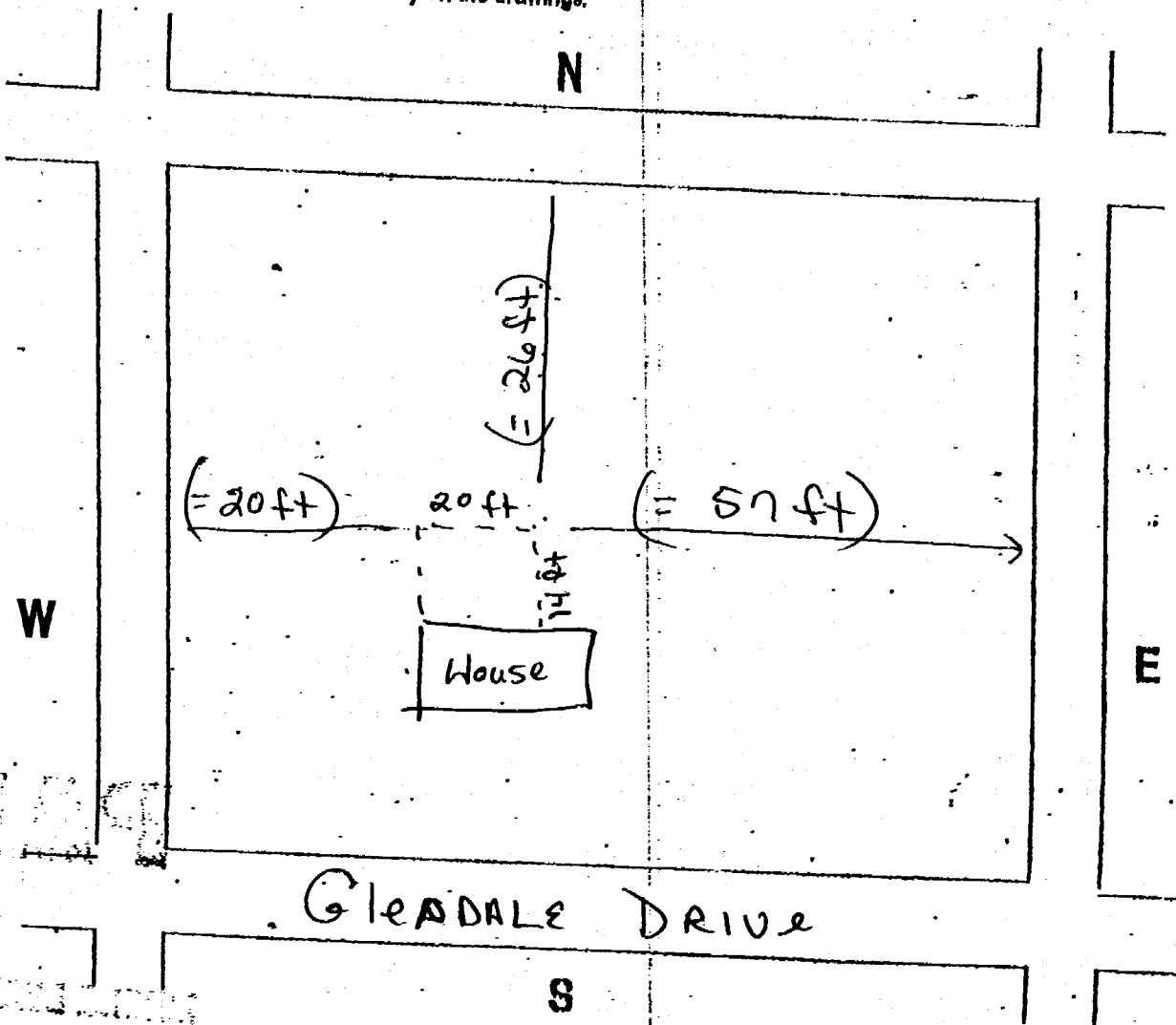
112 GLENDALE  
(Owner's Address)

PLOT PLAN

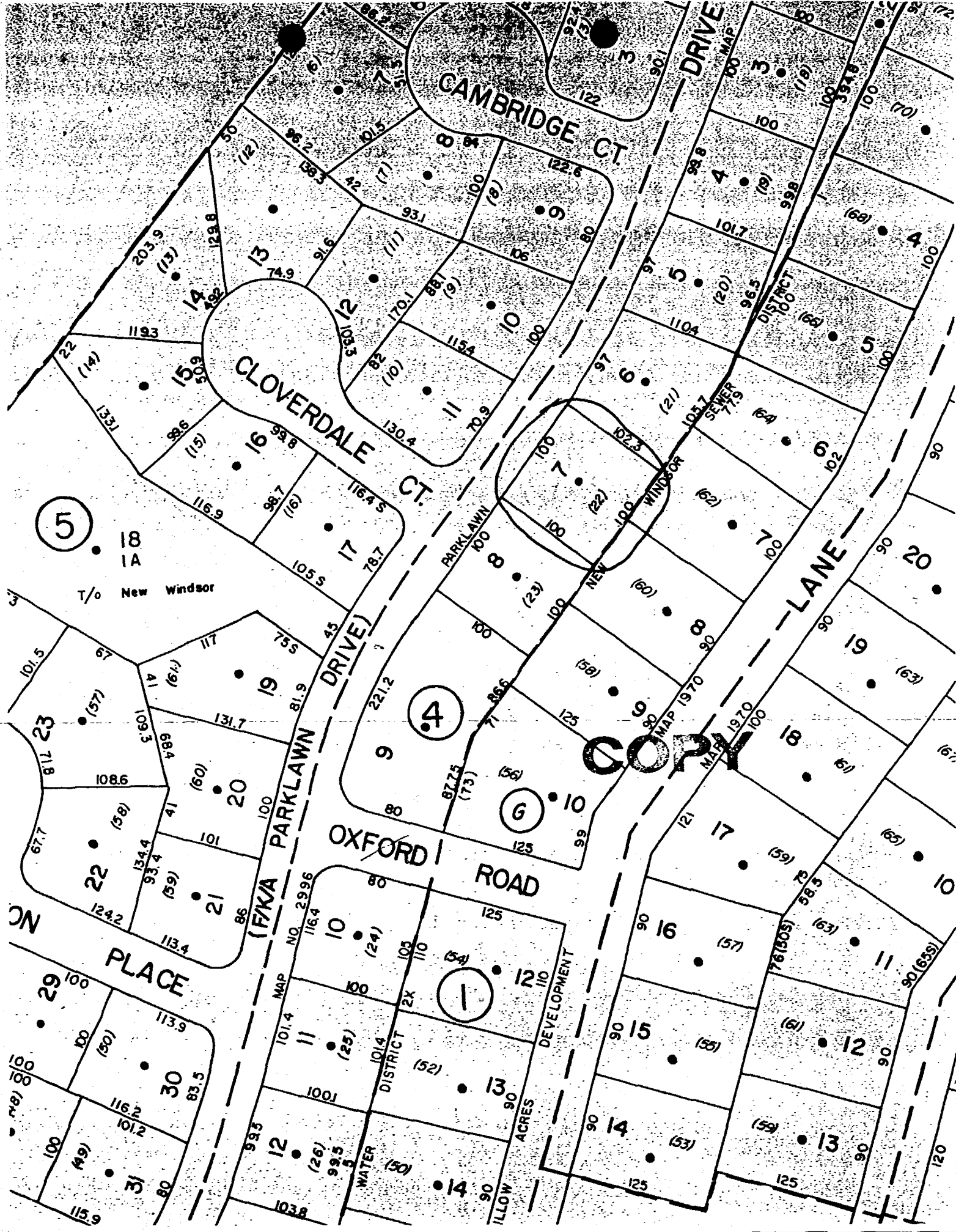


NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
APPLICANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION



5

18  
1A

T/O New Windsor

4

6

1

ON PLACE

(FKA PARKLAWN DRIVE)

OXFORD ROAD

WATER DISTRICT  
DEVELOPMENT  
ACRES  
WILLOW

CAMBRIDGE CT.

CLOVERDALE CT.

DRIVE

LANE

COPY

SEWER

DISTRICT

MAP 1970

MAP 1970

MAP 1970

# 112 Glendale, New Windsor

Pictures show property lines from deck



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: APRIL 16, 2007**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 171.86 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #06-48**

**NAME & ADDRESS:**

**Donna Brunell  
2 Elside Cir.  
Cornwall-on-Hudson, NY 12520**

**THANK YOU,**

**MYRA**

**L.R.04-17-07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #06-48      TYPE: AREA      TELEPHONE: 527-7779 (Brunell)

**APPLICANT:**

Donna Brunell (for Michael Murphy)  
100 Commerce Drive - Suite 100  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #878
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 879



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$ 21.00</u>	<u>\$ 35.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>   </u>	PAGES	<u>\$       </u>	<u>\$       </u>
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$ 28.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u>   </u>	PAGES	<u>\$       </u>	<u>\$       </u>

LEGAL AD: Publish Date: 10/13/06      \$ 9.14

TOTAL:      \$ 58.14      \$ 70.00



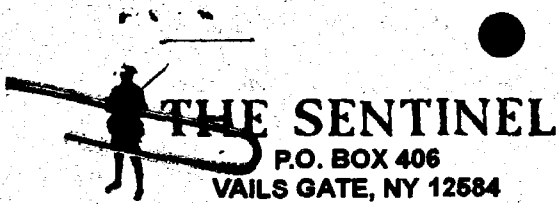
ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 128.14

AMOUNT DUE:      \$       

REFUND DUE:      \$ 171.86

Cc:

L.R. 04-17-07



# Invoice

Date	Invoice #
10/20/2006	8388

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553 ATTN: MYRA

RECEIVED

NOV 1 2006

TOWN OF NEW WINDSOR  
COMPTROLLER'S OFFICE

*mm*

P.O. No.	Terms	Project
46842	Due on receipt	

Issue Date	Description	PCS/Units	Amount
10/13/2006	LEGAL ADS: PUBLIC HEARING BRUNELL (06-48) 1 AFFIDAVIT	5.14 4.00	5.14 4.00
Total			\$9.14

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218

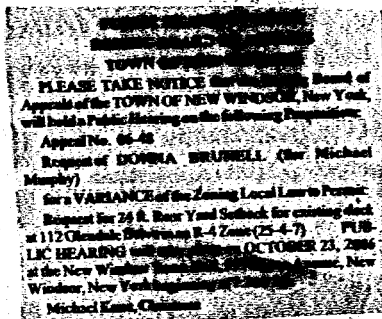
State of New York

County of Orange, ss:

Patricia Quill being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company; Inc.,  
a weekly newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was  
published 17 in said newspaper,  
commencing on

the 13 day of Oct A.D., 2006  
and ending on the 13 day of Oct  
A.D. 2006

*Patricia Quill*



Subscribed and shown to before me  
this 24<sup>th</sup> day of Oct, 2006

*Deborah Green*

Notary Public of the State of New York

County of Orange,

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4964066  
Commission Expires July 15, 07

My commission expires

October 23, 2006

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PUBLIC HEARINGS:

DONNA BRUNELL (FOR MICHAEL MURPHY) (06-48)

MR. KANE: Request for 24 ft. rear yard setback for existing deck at 112 Glendale Drive.

Ms. Donna Brunell appeared before the board for this proposal.

MS. BRUNELL: I need a permit for an existing deck on the back of 112 Glendale and she doesn't have enough rear yard.

MR. LUNDSTROM: For the record, would you state your name and relationship?

MS. BRUNELL: Donna Brunell, RE-MAX Benchmark Realty Group, I'm his realtor.

MR. KANE: Can you tell me about how long the deck has been in existence?

MS. BRUNELL: He bought the house I believe in the beginning of 2005 and made what was there bigger like it is now.

MR. KANE: There was a deck before?

MS. BRUNELL: There was always a deck there.

MR. KANE: Do we have any idea, Michael, how long the deck was up? I'm gathering there was no permit on it.

MS. BRUNELL: The first deck when the house was built I'm guessing.

MR. BABCOCK: Yeah, I think so.

MR. KANE: Just for the record.



MR. BABCOCK: No, I don't have that, Mr. Chairman.

MR. KANE: We'll assume that the original deck was on when the house was built. Do you know has there been any complaints formally or informally about the deck?

MS. BRUNELL: Not that I'm aware of.

MR. KANE: The deck has been extended, does it make it in the neighborhood of the same size as other decks that are in that neighborhood?

MS. BRUNELL: Yes.

MR. KANE: Cut down, do you know have they cut down any trees or substantial vegetation in the building of the deck?

MS. BRUNELL: No because there's a large tree right next to it.

MR. KANE: Create water hazards or runoff?

MS. BRUNELL: No.

MR. KANE: Are there any easements that you know of running through the property where the deck is?

MS. BRUNELL: No.

MR. LUNDSTROM: For the record just answer it yes or no.

MS. BRUNELL: No, no, to all the questions.

MR. KANE: Some of them we have to ask the questions.

MR. BABCOCK: Mr. Chairman, the deck that was there was 10 x 18, the new one's 14 x 20 and it appears it was

built in 1974 the existing one.

MR. KANE: Okay, at this point, I will open it up to the public and seeing as there's no one there I'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On the 9th day of October, I mailed out 76 envelopes and had no response.

MR. KANE: And let the record show that we do have a proxy on hand.

MR. KRIEGER: Safety, there's a door from the house exiting onto the deck, is that correct?

MS. BRUNELL: Yes.

MR. KRIEGER: So if the deck weren't there a person exiting from the door would likely fall and sustain serious injury?

MS. BRUNELL: Absolutely.

MR. KRIEGER: So it is a safety issue?

MS. BRUNELL: Yes.

MR. KANE: Any further questions from the board? I'll accept a motion from the board.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Donna Brunell for Michael Murphy for 24 foot rear yard setback for existing deck at 112 Glendale Drive.

MR. TORPEY: Second it.

ROLL CALL

October 23, 2006

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MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: You're all set.

MS. BRUNELL: Thank you.

MR. KANE: There's nothing else. Next meeting is November 13, only one meeting next month. Motion to adjourn.

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

August 28, 2006

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DONNA BRUNELL (FOR MICHAEL MURPHY) (06-48)

PUBLIC HEARINGS

Ms. Donna Brunell appeared before the board for this proposal.

MR. KANE: Request for 24 ft. rear yard setback for existing deck at 112 Glendale Drive. Tell us what you want to do.

MS. BRUNELL: I'm actually representing my client, I'm with REMAX, Michael Murphy owns 112 Glendale, there's an existing deck on the house that's too close to the property line, in order to sell it he needs a C.O.

MR. KANE: Will you be here for the public hearing?

MS. BRUNELL: Yes, I will.

MR. KANE: We'll need a proxy. How long has the deck been up?

MS. BRUNELL: Over a year now, probably two years, within last two years, there was a deck there and he extended it, originally it was an 18 x 10 deck.

MR. KANE: Now you extended the original deck?

MS. BRUNELL: Yes.

MR. KANE: With the original deck was there a permit on the original deck, Mike?

MR. BABCOCK: We've got it as a 10 x 18 existing deck per the assessor's office, it was built with the house so that deck we're saying is exempt. This deck is 14 x 20 so it goes out farther, that's the issue.

MR. KANE: Cut down any trees, substantial vegetation in the building of the deck?

MS. BRUNELL: No.

MR. KANE: Create any water hazards or runoffs in the building of the deck?

MS. BRUNELL: No.

MR. KANE: To your knowledge, has there been any complaints formally or informally about the deck?

MS. BRUNELL: Not that I'm aware of.

MR. KANE: Deck similar in size and nature to other decks in the neighborhood?

MS. BRUNELL: Absolutely.

MR. LUNDSTROM: Any easements that that deck interferes with?

MS. BRUNELL: No.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Just one question. When the enlarged deck was, original deck removed and new deck put on?

MS. BRUNELL: Yes, I believe the footings are the same footings, it's just the top portion.

MR. KANE: Even if you get the variance on this you'll still be subject to an inspection by the building department and their approval.

MS. BRUNELL: Okay.

MR. KANE: I'll accept a motion if there's no further questions.

August 28, 2006

14

MS. GANN: I will make a motion that we schedule a public hearing for Donna Brunell for Michael Murphy, schedule a public hearing for his request for 24 foot rear yard setback for existing deck at 112 Glendale Drive.

MR. LUNDSTROM: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: October 23, 2006

PROJECT: Donna Brund (for Michael Murphy) ZBA # 06-48  
P.B.# \_\_\_\_\_

**P.B.#**

**USE VARIANCE:**      **NEED: EAF** \_\_\_\_\_ **PROXY** \_\_\_\_\_

LEAD AGENCY: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_\_\_N\_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**PUBLIC HEARING: M)**\_\_\_\_\_ **S)**\_\_\_\_\_ **VOTE: A**\_\_\_\_ **N**\_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**NEGATIVE DEC:** M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M)\_\_\_\_S)\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_\_ N\_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓  
VARIANCE APPROVED: M) Lo S) T VOTE: A 4 N 0.

<del>GANN</del>	
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

**CARRIED: Y** ✓ **N**   

[illegible]

10-23-06 Meeting

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified In Orange County**  
**Commission Expires 10/30/ 2006**



**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

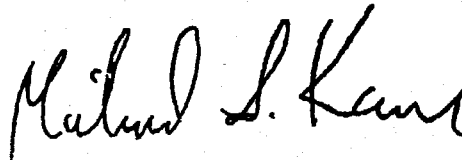
**Appeal No. 06-48**

**Request of DONNA BRUNELL (for Michael Murphy)**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 24 ft. Rear Yard Setback for existing deck at 112 Glendale Drive in an R-4 Zone (25-4-7)**

**PUBLIC HEARING will take place on OCTOBER 23, 2006**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

September 8, 2006

Donna Brunell (for Michael Murphy)  
100 Commerce Dr.  
New Windsor, NY 12553

Re: 25-4-7

ZBA#:06-48 (76)

Dear Ms. Brunell:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00 minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board

24-5-2  
LOUIS & JANINE RIZZUTO  
3 ELM ST.  
NEW WINDSOR, NY 12553

24-5-3  
GEORGE &  
MARILYN HOFFMAN  
5 ELM ST.  
NEW WINDSOR, NY 12553

24-5-5  
JANET ANDERSON  
C/O JANET GRAHAM  
8 ELM ST.  
NEW WINDSOR, NY 12553

24-5-7  
PAULA SARVIS & WILL KING  
C/O ALEX & IRENE KING  
6 ELM ST.  
NEW WINDSOR, NY 12553

24-5-18  
CHARLES &  
FRANCINE MCDONOUGH  
233 OAK ST.  
NEW WINDSOR, NY 12553

25-1-2 & 25-4-2  
ALAN & ELEANOR CARPANINI  
72 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-3  
ANN COSGROVE  
70 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-4  
CHARLES & JASON ELICK  
68 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-5  
NICHAEAL & NANCY NESTER  
66 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-6  
WILBERTO & MELBA BONET  
64 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-7  
JOSE & MARITZA RODRIGUEZ  
62 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-8  
ROBERT VANVOORHIS  
60 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-9  
MARK GRAMMER  
58 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-10  
DULCE & DENNIS KELLY  
56 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-12  
ROBERT & ELEANOR SPREER  
54 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-1-13  
VITO & MARY SPERANZA  
52 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-1  
GORDON GROFF  
75 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-2  
WILFREDO & REINA QUIJANO  
81 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-3  
RONALD ZANETICH  
C/O RICHARD ZANETICH  
79 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-4  
MIRTHA ACOSTA  
77 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-5  
ANTHONY &  
KATHRYN DARIO  
75 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-6  
JOHN & LINDA BAIAMONTE  
73 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-7  
GEORGE COURTNEY  
71 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-8  
JOHN &  
MARJORIE PANZETTA  
69 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-9  
BRUCE & MARIE NOTT  
67 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-10  
JOSEPH &  
CATHERINE HUGHES  
65 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-11  
THEODORE &  
KATHRYN ANNAN  
63 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-12  
ROBERT & CAROL GRIFFIN  
61 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-13  
THOMASINA BLAIR  
59 HUDSON DR.  
NEW WINDSOR, NY 12553

25-2-14  
PETER & ADRIANA RAPPA  
53 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-15  
ROBERT & VIRGINIA &  
HELEN BASILE  
55 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-16  
ROBERT HURLEY  
57 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-17  
MELVIN & ROSE HEDLUND  
59 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-18  
JOHN &  
KATHLEEN WORKMAN  
61 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-19  
WAYNE & JOAN SMITH  
63 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-20  
CHRISTINE SCHOONMAKER  
65 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-21  
MARY KOSTENBLATT  
67 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-22  
LISA & MACKEY RAPISARDO  
69 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-23  
ANTHONY &  
JUDITH SOLFARO  
71 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-2-24  
JOHN & CAROL SORICELLI  
73 BIRCHWOOD DR.  
NEW WINDSOR, NY 12553

25-3-6  
SUZANNE SWEENEY  
75 HUDSON DR.  
NEW WINDSOR, NY 12553

25-3-7  
FERNANDO &  
MARIA FERREIRA  
70 HUDSON DR.  
NEW WINDSOR, NY 12553

25-3-8  
GREGORY GAETANO  
68 HUDSON DR.  
NEW WINDSOR, NY 12553

25-3-9  
JAMES SMITH &  
MARY WILCOX  
66 HUDSON DR.  
NEW WINDSOR, NY 12553

25-3-10  
ESTELLE &  
JEFFREY BOUSCHE'  
64 HUDSON DR.  
NEW WINDSOR, NY 12553

25-4-1  
RALPH & LINDA BRACCO  
102 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-4-3  
DEXTER & LORNA POWERS  
104 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-4-4  
JUAN MALDONADO &  
IONIEY RIVERA  
106 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-4-5  
DAMON & FILJA RUTA  
108 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-4-6  
DAVID & JEANNE WALBORN  
110 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-4-8  
DAVID & PHYLLIS CHAPMAN  
114 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-4-10  
LEVIO & ROSE YOUNG  
116 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-4-11  
FRANK & DIANA PUCCIO  
118 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-5-1  
KEITH SWEITZER  
155 ERIE AVE.  
NEW WINDSOR, NY 12553

25-5-2  
FRANK & MARIA DURSO  
101 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-5-3  
JAMES HAMLET &  
DENISE DAWSON  
202 CAMBRIDGE CT.  
NEW WINDSOR, NY 12553

25-5-4  
FRITZ & MARGALY ERNEST  
204 CAMBRIDGE CT.  
NEW WINDSOR, NY 12553

25-5-5  
GILBERT BILYOU  
241 UNION AVE.  
NEW WINDSOR, NY 12553

25-5-6  
JANET PARRIS &  
LAURII HARRIS  
206 CAMBRIDGE CT.  
NEW WINDSOR, NY 12553

25-5-7  
SANA & AHMAD ZEIDIEK  
205 CAMBRIDGE CT.  
NEW WINDSOR, NY 12553

25-5-8  
JOSE & ELIZABETH IGLESIAS  
203 CAMBRIDGE CT.  
NEW WINDSOR, NY 12553

25-5-9  
PEDRO & CIRIA PEREZ  
201 CAMBRIDGE CT.  
NEW WINDSOR, NY 12553

25-5-10  
VALENTINE &  
ALENKA PFEIFER  
P.O. BOX 4073  
NEW WINDSOR, NY 12553

25-5-11  
JILL BROWN  
302 CLOVERDALE CT.  
NEW WINDSOR, NY 12553

25-5-12  
SCOTT & PAMELA SLEPOY  
304 CLOVERDALE CT.  
NEW WINDSOR, NY 12553

25-5-13  
CHRISTINE &  
MICHAEL MARCELLO  
306 CLOVERDALE CT.  
NEW WINDSOR, NY 12553

25-5-14  
LOUIS & CAROL SMITH  
P.O. BOX 621  
CORNWALL, NY 12518

25-5-15  
ROBERT & CAROLE NOLAN  
305 CLOVERDALE CT.  
NEW WINDSOR, NY 12553

25-5-16  
JOHN MCKINNEY &  
MAUREEN MCCALLUM  
303 CLOVERDALE CT.  
NEW WINDSOR, NY 12553

25-5-17  
ROBERT & CHERYL SPECHT  
301 CLOVERDALE CT.  
NEW WINDSOR, NY 12553

25-5-19  
JUAN SANTANA &  
JOSE VASQUES  
113 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-5-20  
GLENN & DIANE TRAPP  
115 GLENDALE DR.  
NEW WINDSOR, NY 12553

25-5-21  
MICHAEL MELENDEZ  
402 CARLTON CIRCLE  
NEW WINDSOR, NY 12553

25-5-22  
ROBERT & RONNIE SILVER  
404 CARLTON CIRCLE  
NEW WINDSOR, NY 12553

25-5-23  
GARY &  
KAREN COOPERSMITH  
406 CARLTON CIRCLE  
NEW WINDSOR, NY 12553

25-5-24  
CHRISTINE NACLERIO  
408 CARLTON CIRCLE  
NEW WINDSOR, NY 12553



**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#675-2006**

08/28/2006

Brunell, Donna ZBA 06-48

Received \$ 50.00 for Zoning Board Fees, on 08/28/2006. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 08-25-06

FOR: 06-48 ESCROW

FROM:

**Donna Brunell (for Michael Murphy)**  
**100 Commerce Drive - Suite 100**  
**New Windsor, NY 12553**

CHECK FROM:

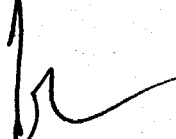
**Donna Brunell**  
**2 Elside Cir.**  
**Cornwall-on-Hudson, NY 12520**

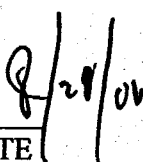
CHECK NUMBER: 879

TELEPHONE: 527-7779

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



# **●TOWN OF NEW WINDSOR●** **REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 08-29-2006 mm

DATE: **08-29-2006**

PROJECT NUMBER: ZBA# 06-48 P.B. # \_\_\_\_\_

**APPLICANT NAME: DONNA BRUNELL (for Michael Murphy)**

**PERSON TO NOTIFY TO PICK UP LIST:**

**Donna Brunell (for Michael Murphy)**

**100 Commerce Drive - Suite 100**

**New Windsor, NY 12553**

TELEPHONE: **527-7779**

TAX MAP NUMBER: SEC. 25 BLOCK 4 LOT 7  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: **112 GLENDALE DRIVE**  
**NEW WINDSOR, NY**

**LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_**  
**(IS NOT PREPARED ON LABELS)**

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

**SITE PLAN OR SUBDIVISION:** (ABUTTING AND ACROSS ANY STREET \_\_\_\_\_)

**SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)**

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)

◆ ◆

NEW WINDSOR ZONING BOARD XXX

**LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX**

[illegible]

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 880

TOTAL CHARGES: \_\_\_\_\_



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

7/13/06

Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Michael Murphy

(Name)

Phone Number: ( )

Fax Number: ( )

112 Glendale Drive New Windsor, N.Y. 12553

(Address)

**II. Applicant:**

Donna Dewell

(Name)

Phone Number: (845) 527-7779

Fax Number: (845) 545-1205

Restor Benchmark Health Ctr - 100 Commerce Drive, Suite 110  
New Windsor, N.Y. 12553

(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )

Fax Number: ( )

(Name)

(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )

Fax Number: ( )

(Name)

(Address)

**V. Property Information:**

Zone: R-4

Property Address in Question: 112 Glendale Drive

Lot Size: \_\_\_\_\_

Tax Map Number: Section 25 Block 4 Lot 7

a. Is pending sale or lease subject to ZBA approval of this Application? Yes

b. When was property purchased by present owner? 5/10/2004

c. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? Yes

**\*\*\*\*PLEASE NOTE:\*\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	57 Ft	26 Ft	24 Ft
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:  
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

112 Clevedale has a Perme back yard, very little  
Usability by The neighbors to the back -

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- \_\_\_\_\_
- \_\_\_\_\_

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
- ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

21<sup>st</sup> day of July, 2006

Michael J. Murphy  
Owner's Signature (Notarized)

DANIEL B. CLARINO  
Notary Public, State of New York  
No. 4619323  
Qualified in Orange County  
Commission Expires April 30, 2007

MICHAEL J. MURPHY  
Owner's Name (Please Print)

Daniel B. Clarino  
Signature and Stamp of Notary

Donna Brunell  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**ORANGE COUNTY**

05/17/05

TAX # **334800.025.000-0004-007.000/0000** ID **33480002500000040070000000**  
SWIS SECT BLK LOT SUFFIX AREA **620**  
PROP ADDR **112 GLENDALE DR**  
**NEW WINDSOR, NY 12553**  
PROP CLASS **210/RESIDENTIAL SINGLE FAMILY** TOWN OF NEW WINDSOR  
RDFRxDPTH **100.000 X 100** ACRE EST ACRE **0.230**  
SCHOOL **331100/NEWBURGH** YRBT **1974**  
STYLE DESC **RAISED RANCH** SQ. FT **2032** BEDROOMS **3** BATHS **1/1**

**BUILDING INFORMATION**

CONSTRUCTION GRADE **AVERAGE** #RES RECORDS **2** #COM RECORDS  
# OF KITCH **1** #CAR GARAGE **1** BSMT **4/FULL**  
# OF FPLCS GARAGE TYPE **BASMNT** HEAT **3/HOTWTR/STM**  
FUEL **2/GAS**

**OTHER FEATURE INFORMATION**

#	DESCRIPTION	YRBLT	#	DESCRIPTION	YRBLT
1	<b>PORCH UP OPN</b>	<b>1974</b>	3		
2			4		

**LAND INFORMATION**

UTILITIES **4/GAS & ELEC** WATER **3/COM/PUBLIC** SEWER **3/COM/PUBLIC** RAW LAND **0**

**VALUE & TAX INFORMATION**

LAND VALUE **\$ 8,500** ASMT\$ **\$ 37,800** # SPECIAL DISTRICTS **1**  
TAX YEAR **2004** EST FM VALUE **\$ 219,003** EST ANNUAL TAXES **\$ 5,940.00**

**SALE & DEED TRANSFER INFORMATION**

SP TTD BOOK PAGE DEED DATE  
**\$ 244,000 09/19/03 11489 542 05/10/04** # SALES RECORDS **9**

**OWNER NAME & MAILING ADDRESS**

OWNR **MURPHY MICHAEL J**  
OWNR MAIL **MICHAEL J MURPHY** OWRN TYPE **I**  
ADDRESS S **112 GLENDALE DR**  
**NEW WINDSOR NY 12553**

**INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED**

07/13/06 11:36 AM



**TOWN OF NEW WINDSOR**  
555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



**ZONING BOARD PROCEDURES**

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "**THE TOWN OF NEW WINDSOR**" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00 ✓
*ESCROW:	\$300.00 ✓
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR FURTHER INSTRUCTIONS.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**WHEN YOU COME IN WITH YOUR ENVELOPES, PLEASE ALLOW TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.**

### **NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR INSTRUCTIONS ON COMPLETION. PLEASE ALLOW YOURSELF TIME TO PUT THE NOTICES IN THE ENVELOPES WHILE HERE, THEN YOU WON'T HAVE TO RETURN AGAIN.**

### **NOTE:**

**THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.**



**APPLICANT/OWNER PROXY STATEMENT**  
(for professional representation)

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

MICHAEL J. MURPHY, deposes and says that he resides  
(OWNER)  
at 112 GLENDALE DR. in the County of ORANGE  
(OWNER'S ADDRESS)  
and State of NEW YORK and that he is the owner of property tax map  
(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that he authorizes:

Douglas Brunell - Rental Benchmark Health Care  
(Applicant Name & Address, if different from owner)  
100 Commerce Drive, New Windsor, N.Y. 12553  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 7/18/06

\*\* Michael J. Murphy  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this 18 day of July 2006  
**CARMEN A. SMITH**  
Notary Public, State of New York  
No. 4970800

Klonne Brunell  
Applicant's Signature (If different than owner)

Carmen A. Smith  
Signature and Stamp of Notary  
*Qualified in Westchester County  
Commission Expires 11/27/2007*

Klonne Brunell  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:  
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐

8/28 06-48

14-16-4 (287)--Text 12

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I--PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR <i>Dan DeWalt</i>	2. PROJECT NAME <i>Michael Murphy - Vacance</i>
3. PROJECT LOCATION: Municipality <i>Town of New Windsor County Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Perd Vacance For Existing, Deck That is a Existing home -</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Dan DeWalt</i>	Date: <i>8/28/06</i>
Signature: <i>Dan DeWalt</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment


OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b> <b>C1.</b> Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:   <b>C2.</b> Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:   <b>C3.</b> Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:   <b>C4.</b> A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:   <b>C5.</b> Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:   <b>C6.</b> Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:   <b>C7.</b> Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:   <b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	
Name of Lead Agency	
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	
Date	